

Ordeal.—They have a form of ordeal called Kiviri; a small pot of water is taken and a little *wimbi* flour and a bit of the medicine are put into the water; if the mixture boils over the man is guilty, and *vice versa*. 695 ●

Another ordeal is as follows: a piece of calabash open at both ends is placed on a stone in a bowl of water (Fig. 12). Water is ladled up from the bowl and poured into the calabash, and normally it immediately runs out where the calabash rests on the stone; the medicine man however puts some medicine into the water, and if the man is guilty the water no longer runs out at the bottom of the calabash, and eventually the water runs over the top. I have seen this performed and found that it was the medicine that enabled the calabash to be filled; this medicine was the crushed up leaves of a kind of mimosa, and being of a fibrous nature it stopped up the points of leakage between the calabash and the stone. There is another trial by ordeal: some dry flour is given to the suspected person, if innocent he can swallow it, and *vice versa*.



FIG. 12.—THE ORDEAL OF THE CALABASH, OFTEN USED FOR THE DETECTION OF THIEVES, ETC.

Omen.—If the *omen* bird cries out on the left side of the road it is bad if the journey is for war, but if the journey is a mere visit the person will get food. If the bird cries out on the right side it is good for war but bad for visiting. If a cat crosses the road from right to left it is a good omen, if *vice versa* it is bad. If you see a rat on the road and it runs in front of you it is a good, but if it crosses the road it is an inauspicious sign. 787

In some clans it is lucky for the first child to be female and in others it is *vice versa*. [787]

If on a journey a man strikes his little toe on either foot it is a very bad sign, if he strikes the big toe it is propitious. If a man whose eldest child is a boy is travelling and the first person he meets is a man it is a good sign, but if a woman it is bad, and *vice versa* if his eldest child is a girl.

They profess to be able to tell whether a man will be killed on an expedition or not by examining the entrails of an ox or sheep. Some even say that in this way a skilled soothsayer will prophesy future events; for instance, he will perhaps say that in so many days news of fighting will arrive, or that a certain disease will appear, or that in say three days a white cow will arrive at the village.

The head chief of each tribe decides when the people are to plant their crops, and some chiefs are said to be able to foretell whether the harvest will be good or bad. The chief Odera is said to have prophesied the advent of European rule when he was quite young. They go to the Nyule rainmaker Mgahanya for rain, and also want to his father Ligidi. [247]

Names.—Many names of men and women are the same, others again only differ in the first letter; for instance, Apio is generally a female name and Oyoio a male name. 551

Government.

643 Chiefs as rulers. There is no king of the country, nor is there any single paramount chief; the Bantu chiefs claim equal, if not superior, rights to the land. Certain chiefs rule over extensive districts inhabited by the Nilotics, and their rights as leaders are considered to be hereditary; they are also looked to in cases requiring settlement or legislation.

423 Land tenure. Land which has not been cultivated in the past may be tilled by any family; but, when once it has been tilled, the community regard it as the property of the family whose ancestor first cultivated it. Should it be left fallow for a number of years, no other family may appropriate and till it without first obtaining the original owner's permission. Few people seek such permission, preferring to dig virgin-land which will afterwards belong to their children.

621 Local chiefs as the magistrates. The people live in communities. They build their houses in close proximity and in most cases surround them with a growing fence, leaving a gateway which can be closed during the night or in times of danger. Such a village group is ruled by a sub-chief who is under the authority of the district-chief. The chief of a village is magistrate and controls the general affairs of his people. This chief levies no taxes, but his people make him presents of goats and sheep, and of grain also at harvest time.

692 Courts and court fees. Any person wishing to bring a charge against another for any offence, real or imaginary, 694 pays a small fee to the chief of the village before whom he lays his complaint or accusation. The chief or elder then summons 695 the accused person and appoints a time when the case shall be heard. The chief sits with one or two village elders and gives his judgment. A person may appeal from a village chief to the principal chief in the district, and the elder who first tried the case will then go to the superior chief to be present when the case is reheard. The parties appealing have to pay fresh court-fees before the case is retried. The punishment in almost every case is a fine and the amount is determined by the gravity of the case. The losing party has to

and secures a large following, and thus becomes a powerful chief.

Petty thefts from houses are dealt with by a medicine-man who discovers the culprit. He goes to the village in which the suspected person lives, takes an ordinary stool, sets it in an open space in the village, fills the hollow of the seat with water and covers it with an inverted cooking-pot. Having done this he goes through a formula mentioning the names of the families of the village, and at length mentions the names of the suspected family individually, until at last he names the person accused. When the name of the guilty person is mentioned, the water on the stool is said to flow from under the pot. The person thus convicted is fined and, in addition to his fine, he is compelled to restore the full amount of property he has stolen.

Adultery. When a man is accused of adultery, he is tried and, if found guilty, is fined an ox which is given to the injured man. An unfaithful wife, who leaves her husband, may be restored to him and he will not think the worse of her. Should she refuse to return to her husband, her father must either supply the husband with another wife, a sister of his former wife, or restore the marriage-fee. Unmarried women are given great license and are not considered guilty of an immoral action when they have sexual relations before marriage.

Murder. A murderer is discovered by means of the oracle. A medicine-man is asked to discover the murderer and, when he names the person, the relatives of the murdered man accuse the murderer. The accused is ordered to bring his son, and the medicine-man, after making incantations over a pot of drugs, gives the boy a cup of it to drink. If the father is guilty, the son will die at once; whereas, if he is innocent, the boy will suffer no harm. When a man is proved to be guilty or acknowledges his guilt, he is fined a number of cows and has to give his daughter or sister to the father of the murdered man. A murderer seldom seeks safety by flight when he has committed his deed, and often confesses his guilt without any trial, avowing the motives of his act. There is a special ceremony to purify a murderer. He is first separated from the members

554

685

791

787

684

837

586

836

787

695

682

783

754 in order to kill him. If a person is thought to be bewitched, the medicine
 [683] man concerned is caught and forced to remove the spell, afterwards being
 punished by a fine. This kind of witchcraft, however, is not thought to
 be very serious. There is a deeper magic called "junkings." Amongst
 the Gemi tribe this is practised by the blacksmiths. It is of the nature
 of a secret society, and no doubt means secret poisoning. They have a
 form of ordeal called "kiviri." A small pot of water is placed on the fire.
 A little "wimbi" flour and a bit of "medicine" are put into the water.
 If the water boils over, the man is guilty; if not, he is innocent. Another
 ordeal is as follows: A gourd basin with a large hole cut in the bottom is
 placed on a flat stone. Water is then poured into the calabash, the bottom
 of which being, of course, not close-fitting to the stone, would permit ordinarily
 of a leakage. But the medicine man who attends puts into the bottom
 of the calabash crushed-up leaves of a kind of mimosa which, for a time
 at least, stop the leakage and enable the calabash to be filled up with
 water, the retention of the water by the calabash proving the man to be
 innocent. Another ordeal is arranged in this way: Dry flour is given to the
 suspected person. If innocent, he can swallow it; if he is unable to
 moisten the flour with his saliva and swallow it, he is shown to be guilty.

As regards omens: If a bird sings on the left-hand side as a man
 is starting on a journey, the journey, if for war, will be unlucky; but if
 787 it be merely a peaceful visit, it will be a fortunate one. If the bird sings
 777 on the right-hand side, it is a good omen for war, but a bad one for an
 ordinary visit. If a cat crosses the road from right to left, it is a good
 omen; if from left to right, bad. If a rat is seen on the road, and it
 runs along the road ahead of the man, it is a good omen; but if it crosses
 the road from one side to the other, it is an unlucky sign. If on a
 journey a man strikes the little toe of either foot, it is a very bad sign;
 if he strikes the big toe, it is propitious. If the eldest child of a man
 is a boy, and the man sets out to travel, it will be an unlucky sign if
 the first person he meets is also a man. On the other hand, if his eldest
 child is a girl, and he meets a woman when he starts on a journey, that
 is likewise a bad sign. They profess to be able to foretell events by
 787 divining, and the divination is exercised on the entrails of an ox or sheep.
 They are a good deal given to prophesying. The chief Odua when quite
 a lad prophesied the coming of the white man, and this at a time when
 no white man had entered the country. They believe in rain-makers.

On the occasion of a birth the infant, if a boy, is kept inside the house
 846 for four days; if a girl, for three days. When a birth takes place, the
 [54] female neighbours attend, and a goat is killed for the mother and the
 other women. No man is allowed in the hut until three or four days
 have elapsed. The father of the child does not eat or sleep again in the